

LEON COUNTY ORDINANCE NO. ____

AN ORDINANCE AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM UF URBAN FRINGE AND R RURAL TO PUD PLANNED UNIT DEVELOPMENT IN LEON COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

SECTION 1. The Official Zoning Map as adopted in Leon County Ordinance No.92-11 is hereby amended as it pertains to the following described real property:

RZ-442: From UF Urban Fringe Zoning District and R Rural Zoning District to PUD Centerville Farms Planned Unit Development Zoning District:

Commence at the Northwest corner of Section 20, Township 2 North, Range 2 East, Leon County, Florida and run North 88 degrees 47 minutes 42 seconds East 2664.82 feet to a concrete monument marking the POINT OF BEGINNING. From said POINT OF BEGINNING run South 00 degrees 25 minutes 35 seconds East 1353.21 feet to a terra cotta monument, thence run North 89 degrees 39 minutes 26 seconds East 561.78 feet to a re-rod marked COT (City of Tallahassee), thence run South 00 degrees 21 minutes 21 seconds East 184.87 feet to a re-rod marked COT (City of Tallahassee), thence run North 88 degrees 33 minutes 45 seconds East 181.62 feet to a re-rod marked COT (City of Tallahassee) lying on the Northwesterly right-of-way boundary of Centerville Road, thence run Southwesterly along said right-of-way boundary the follow thirteen (13) courses: South 31 degrees 23 minutes 38 seconds West 51.21 feet to a concrete monument (marked #732) marking a point of curve to the right having a radius of 2791.88 feet, through a central angle of 10 degrees 48 minutes 17

seconds for an arc distance of 526.49 feet, chord being South 36 degrees 46 minutes 59 seconds West 525.71 feet to a concrete monument (marked #732) marking a point of compound curve having a radius of 2657.07 feet, through a central angle of 16 degrees 54 minutes 46 seconds for an arc distance of 784.33 feet, chord being South 50 degrees 38 minutes 52 seconds West 781.48 feet to a re-rod (marked #732), South 59 degrees 06 minutes 31 seconds West 1360.97 feet, South 58 degrees 47 minutes 23 seconds West 820.80 feet to a point of curve to the left, having a radius of 12358.19 feet, through a central angle of 02 degrees 05 minutes 30 seconds for an arc distance of 451.16 feet, chord being South 57 degrees 44 minutes 38 seconds West 451.13 feet, South 56 degrees 41 minutes 53 seconds West 7.68 feet to a point of curve to the left having a radius of 2106.15 feet, through a central angle of 06 degrees 21 minutes 00 seconds for an arc distance of 233.42 feet, chord being South 53 degrees 31 minutes 23 seconds West 233.30 feet to a concrete monument (marked #732), South 50 degrees 20 minutes 53 seconds West 6.26 feet to a concrete monument (marked #732), South 50 degrees 32 minutes 10 seconds West 27.92 feet to a concrete monument (marked #732) marking a point of curve to the left having a radius of 1715.19 feet, through a central angle of 08 degrees 30 minutes 00 seconds for an arc distance of 254.46 feet, chord being South 46 degrees 04 minutes 28 seconds West 254.22 feet to a concrete monument (marked #732), South 41 degrees 55 minutes 18 seconds West 109.38 feet to a concrete monument (marked #732), South 41 degrees 09 minutes 06 seconds West 36.46 feet to a re-rod lying on the intersection of the Northwesterly right-of-way boundary of said Centerville Road with the centerline of Pisgah Church Road, thence run Northwesterly along said centerline the following eight (8) courses: North 70 degrees 53 minutes 48 seconds West 894.59 feet to a re-rod, North 69 degrees 50 minutes 14 seconds West 569.23 feet to a re-rod, North 63 degrees 06 minutes 46 seconds West 194.89 feet to a re-rod, North 67 degrees 59 minutes 24 seconds West 645.55 feet to a re-rod (marked #732), North 70 degrees 17 minutes 34 seconds West 328.06 feet to a re-rod, North 80 degrees 14 minutes 21 seconds West 597.38 feet to a re-rod (marked #732), North 81 degrees 18 minutes 28 seconds West 1131.49 feet to

a re-rod, North 81 degrees 54 minutes 44 seconds West 210.71 feet, thence leaving said centerline run North 01 degrees 45 minutes 18 seconds West 3019.23 feet, thence run North 00 degrees 17 minutes 26 seconds West 1625.85 feet to a concrete monument, thence run South 89 degrees 53 minutes 35 seconds East 2613.31 feet to a concrete monument, thence run South 89 degrees 55 minutes 58 seconds East 3472.97 feet to a concrete monument (marked #732), thence run North 00 degrees 24 minutes 08 seconds East 2404.15 feet to a concrete monument (marked #732), thence run North 89 degrees 19 minutes 29 seconds East 1758.23 feet to a concrete monument, thence run South 00 degrees 28 minutes 46 seconds East 3981.05 feet to a concrete monument, thence run South 89 degrees 22 minutes 54 seconds West 474.04 feet to the POINT OF BEGINNING containing 975.82 acres, more or less.

SUBJECT TO a 100.00 foot wide powerline easement lying over and across a portion thereof as described in Deed Book 128, Page 502 of the Public Records of Leon County, Florida.

SECTION 2. The Centerville Farms Unit Development Concept Plan is approved subject to the following conditions:

Conditions recommended by the Dept. of Growth and Environmental Management:

1. The applicant is granted approval for deviations from Article XI, Section 10-1429(h) and (i) based on the findings identified above;
2. Upon submittal of a final development plan, the site shall be reviewed for compliance with the design standards of Article XI, Division 5;
3. The applicant shall be permitted two roadway connections to Centerville Road, a canopy road, as depicted on the plans and as described in the plan narrative. Such street connections shall be considered consistent with the Comprehensive Plan and land development regulations, and a pedestrian easement shall be required across portions of the canopy road to provide a continuous access to the 20 feet wide pedestrian access easement that is parallel to the pedestrian easement

- adjacent to the canopy roads protection zone;
4. The Leon County BOCC establishes the R-1 zoning and development standards as described in Chapter 10, Article X, Division 9, Section 10-1214 to apply to each residential (SR) lot with the exception that the minimum lot size shall be no less than one acre, excluding right-of-way or roadway easement, and the maximum lot size shall be three acres, excluding right-of-way or roadway easement.
 5. Final development plans for one or more phases of this PUD shall be reviewed as a Type "B" review per Chapter 10, Article XI, Division 4, Section 10-1479, Leon County Land Development Code.

Conditions recommended by the Planning Department:

6. The "Detailed PUD Conceptual Plan" shall be revised to clearly distinguish the Canopy Road Protection Zone along Centerville Road, north of the northern-most driveway on that street.
7. The applicant shall provide the Canopy Roads Citizens' Committee with revised information about the proposed development's potential impact upon canopy road protection zone resources in response to the Committee's previous tentative recommendation supporting the application.
8. The "Detailed PUD Conceptual Plan" shall be revised to state the following: "A bona fide qualified management entity for the 487.85 acres set aside in perpetuity as open space in the proposed "OS-1 zoning district" on the "Detailed PUD Conceptual Plan" shall be established prior to final plan approval for any portion of the property included within this Planned Unit Development."
9. The Concept Plan should be revised to reword Section 3.J. of the Concept Plan narrative to preclude "Commercial Recreational Facilities" as defined in the *Tallahassee-Leon County Comprehensive Plan* glossary within the OS-2 district to assist in limiting land use for purposes of facilitating land use compatibility with nearby low density residential use.

Condition recommended by the Department of Growth and Environmental Management,
at the DRC meeting of August 18, 2004:

10. Recommend that the BOCC investigate the traffic impacts upon Pisgah Church Road, and the safety implications that may necessitate paving a portion or all of Pisgah Church Road.

Conditions recommended by the DRC, at their meeting of August 18, 2004:

11. Based upon staff's review of the application for consistency with the *Greenways Master Plan*, the concept plan must be revised to provide a trail and trail easement along the those portions of the subject site adjacent to Centerville Road and Pisgah Church Road, consistent with the following parameters, as established in Attachment #5 to this report:

- 1) Trails shall be accessible to the public; this shall include pedestrians, bicyclists, and other self-propelled users.
- 2) Trails shall be designed, located, and constructed to minimize damage to any vegetation, particularly within the regulated Canopy Road Zone (100 feet on both sides of the centerline of Centerville Road).
- 3) Trails should be located as close to the roadway as possible to provide maximum visibility for public safety.
- 4) Trails shall be retained for public use. This may occur through conveyance via either fee simple transfer or easement inuring to Leon County.
- 5) Trails shall be designed and constructed to a minimum width of 10 feet and shall have a firm and stable surface.

12. Add a notation on Exhibit 3.B to refer to the approved Natural Features Inventories (NFIs) and for the BOCC to incorporate the approved NFIs into the approved Concept Plan by reference. Where there are conflicts between the designation of natural features shown on the approved NFIs and the designation

of such features as shown in Exhibit B.3, Sheets 1 through 3, the NFI designations shall prevail.

13. Revise Concept Plan to ensure adequate school bus access, preferably on the loop at the entrance off of Centerville Road.
14. Exhibit A.9 should be revised prior to the Board public hearing for this project. In the legend, the acres indicated for "Miscellaneous Areas Preserved" must be changed to 207.45 acres to clarify that this represents a total of all the five subcategories listed under the Miscellaneous Areas Preserved heading. The acres indicated for "Other Uplands" must be changed to 177.63 acres to arrive at the correct total for the Miscellaneous Areas Preserved category (i.e. $3.89 + 16.90 + 1.92 + 7.11 + 177.63 = 207.45$ total). In addition, Exhibit A.9 should be revised to show a small missing wetland and two missing watercourses in the far east portion of the site, to correctly show the wetland limits surrounding the southern waterbody, to color the three eastern waterbodies as dark blue (they are natural waterbodies), and to show the 20' pedestrian trail easement.
15. A complete and detailed EIA must be submitted as part of the final Site and Development Plan review process. Unlike typical EIAs, the applicant's EIA will need to be submitted in two parts. The first part must provide updated and revised information documenting existing site conditions (essentially updating the two NFIs previously approved for the property). This part must be approved by Environmental Review staff prior to submitting the second part and prior to submitting for the required Technical Review meeting. This approach will help avoid complex revisions to the impact analysis (i.e. proposed post-development conditions). This second part must be submitted no later than the date the applicant submits for the Technical Review meeting, although it would be better if the applicant submitted well in advance of this meeting.
16. The existing conditions portion (Part 1) of the EIA application will primarily serve to update and modify existing conditions information provided in the two previously approved NFIs covering the subject property (LEA 02-0023 and the 6/18/04 amendment to LEO 99-0053). This part will need to include, but will not necessarily be limited to, the following:

- Provide a site-specific topographic survey of the subject property sufficient to allow proper engineering design of the development. It is recognized that detailed topographic information may not be necessary in certain areas of the project slated for preservation. In addition, provide an updated topographic contour map based on this survey.
- Provide a revised mapping of areas of significant grades, severe grades, and 100-year floodplain limits based upon the site-specific topographic survey (since the limits of such areas shown on the NFI maps are based on estimated topography).
- Provide a revised floodplain analysis for the small on-site floodplain adjacent to Pisgah Church Road if modifications are proposed to the existing 24" CMP under the roadway at the southern end of this floodplain. Provide revised mapping of this floodplain based on the new analysis (if required).
- Provide a survey of protected trees whose critical protection zones (or any portion thereof) fall within the limits of proposed development (i.e. within limits of construction, including clearing and grading). In addition, identify any of these trees that classify as patriarch trees (with a supporting patriarch tree assessment).
- Provide a survey of the limits of wetlands, waterbodies, watercourses (top-of-bank), and tributaries (top-of-bank) identified in the approved NFIs and provide revised mapping of these features based on the survey. The limits of such features must be delineated (flagged) by a qualified environmental professional. All limits of such features located within approximately 200 feet of proposed development limits (including clearing limits) and within approximately 50 feet of proposed conservation easement limits must be accurately located using standard survey methods. The applicant will need to meet with staff to determine the required intensity of the GPS location efforts.
- Provide a revised, updated, and unified map of existing vegetation associations and land forms (i.e. a FLUCCS map) of the entire subject

property and a description of the FLUCCS map units. This map must employ identical codes for vegetation associations having similar characteristics. It must be based on revised mapping of wetlands, watercourses, waterbodies, and tributaries.

- Conduct a new survey for gopher tortoises and their burrows along with reclassification of the gopher tortoise burrows encountered during the new survey (as regards their status as active, inactive, or abandoned). The new survey must also include surveying for Florida pine snakes. The new (updated) survey must be performed by a qualified environmental professional. This survey must provide at least 90% visual coverage of the gopher tortoise habitats previously identified in the project's two NFIs together with "buffer" areas surrounding these habitats. The buffer shall extend at least 50 feet beyond the previously identified habitat limits, unless otherwise approved by staff. Provide documentation of the new survey and its results.
 - Provide a revised mapping of habitats utilized by gopher tortoises and Florida pine snakes based on the new gopher tortoise/pine snake survey and the revised FLUCCS mapping, along with a narrative describing these habitats, their quality (suitability as habitat), and their acreages.
 - Provide a revised mapping of habitats actually or potentially utilized by Sherman's fox squirrels based on the revised FLUCCS mapping, along with a narrative describing these habitats, their quality (suitability as habitat), and their acreages.
17. In addition to information typically required in an EIA, the impact analysis (Part 2) of the EIA application will need to include the following:
- The project's stormwater management system must employ a 2-year restricted discharge design in addition to meeting all other applicable EMA stormwater requirements.
 - Provide a detailed and complete assessment of the project's direct and potential secondary impacts to identified conservation area features and

preservation area features, especially as concerns listed wildlife species and their habitats. The applicant must first meet with staff to discuss the requirements of this analysis prior to submitting Part 2 of the EIA.

- Provide separate plans for the protection of gopher tortoises, fox squirrels, and Florida pine snakes during project construction. In the case of gopher tortoises that cannot be relocated into the proposed gopher tortoise preserve prior to construction, the protection plan must specify that no development will be allowed within 25 feet of a gopher tortoise burrow classifying as active or inactive unless the applicant can prove the burrow is not occupied by a gopher tortoise or other listed animal species.
- Provide a plan for relocation of gopher tortoises into the proposed gopher tortoise preserve. This plan must stipulate that all gopher tortoises inhabiting burrows situated outside the boundaries of gopher tortoise preserve, as currently proposed, will be relocated into the preserve or the preserve boundaries will be adjusted to encompass the occupied burrows. All inhabited gopher tortoise burrows must be protected within the gopher tortoise preserve; otherwise, the gopher tortoise must be relocated into the preserve.
- Provide separate, detailed plans for the initial enhancement and long-term management of habitats preserved for gopher tortoises, fox squirrels, and for pine snakes. Preserved habitats will include: those suitable habitats protected by conservation easement in the OS-1 District (for gopher tortoises, this will only be the gopher tortoise preserve itself); in the case of fox squirrels and pine snakes, these will also include other preserved suitable habitats in the OS-1 District, and preserved suitable habitats in portions of the OS-2 District that will not be impacted by development.
- Provide a plan for the long-term protection of listed wildlife species following completion of project construction. In addition to other factors, this plan will need to address appropriate covenants and restrictions established for the Homeowner's Association (HOA).
- Provide draft HOA documents.
- Provide a detailed management plan for other natural areas (wetlands,

watercourses, miscellaneous uplands, etc.) to be preserved in the OS-1 District. Components of this plan may overlap with plans for managing preserved fox squirrel and pine snake habitats.

18. A recommended preferred design alternative shall be to incorporate sidewalks along the internal roadways within the development. The utility easement to Bandit's Run should be shown as a joint utility/pedestrian access easement.

The application of the owners of the property described in Section 1 for PUD zoning is hereby granted and approved, and the Leon County Code of Laws is hereby amended to incorporate the Plan of Development filed with said application, as amended herein, and each and every part thereof, as if set forth herein at length. The said Plan of Development and all papers, and documents constituting a part thereof being on file in the office of the Tallahassee-Leon County Planning Department, including those revisions thereto appertaining adopted by the Board of County Commissioners, and such property shall be designated on the Official Zoning Map as PUD.

SECTION 3. All Ordinance or parts of Ordinance in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

SECTION 4. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this 21st day of September, 2004.

LEON COUNTY, FLORIDA

Jane Sauls, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney-s Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney.